


NO. 3:08-1190  
JUDGE HAYNES

Before the Court is the Defendant's motion for summary judgment (Docket Entry No. 36) to which Plaintiff has not responded. Accordingly, pursuant to Fed. R. Civ. P. 41(b), this action is **DISMISSED with prejudice** for the Plaintiff's failure to prosecute.

ENTERED this the 21<sup>st</sup> day of December, 2009.

  
WILLIAM J. HAYNES, JR.  
United States District Judge